

**BEFORE THE  
MISSOURI STATE BOARD OF REGISTRATION  
FOR THE HEALING ARTS**

MISSOURI STATE BOARD OF	)	
REGISTRATION FOR THE	)	
HEALING ARTS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2006-002895
	)	
SETH PASKON, M.D.,	)	
	)	
Respondent.	)	

**ORDER**

1. The State Board of Registration for the Healing Arts (Board) is an agency of the State of Missouri created and established pursuant to §334.120<sup>1</sup>, for the purpose of executing and enforcing the provisions of Chapter 334.

2. Respondent, Seth Paskon, M.D., was licensed by the Board as a physician and surgeon, license number R5003. This license was first issued on May 5, 1973 and expired on January 31, 2009.

Procedural History

3. On November 28, 2007, the United States Attorney filed a second amended complaint against the Respondent in the United States District Court for the Eastern District of Missouri. (AHC Decision p. 2)

4. The United States District Court issued a judgment and memorandum and order on November 10, 2008. (AHC Decision p. 3)

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<sup>1</sup> Statutory references are to RSMo Supp. 2008, unless otherwise noted.

5. This current administrative case arises out of the aforementioned federal case.

6. On February 29, 2008, the Board filed a Complaint with the Administrative Hearing Commission (AHC) in this matter asserting that Respondent's license is subject to discipline.

7. On June 10, 2009, the AHC issued a Decision finding grounds to discipline the Respondent's license pursuant to §334.100.2(4)(h) and (17). (AHC Case Number 08-0396 HA)

8. On October 30, 2009, the Board held a disciplinary hearing in this matter. The Respondent was not present but did submit an exhibit by mail prior to the hearing date. This exhibit is a letter dated September 12, 2009 and received at the Board's office on September 15, 2009. (Respondent's Exhibit A)

9. At the disciplinary hearing, the Board incorporated the record of the AHC into the disciplinary hearing. (Tr. p. 6 lines 6-8)

#### Findings of Fact

10. The Respondent "...wrote prescriptions without medical necessity or a documented and medically appropriate treatment plan. Therefore, [Respondent] wrote prescriptions for other than a medically accepted purpose, and 'not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease.'" (AHC Decision p. 6)

11. The Respondent made false Medicaid claims and "...knowingly made or caused to be made false statements or misrepresentations of a material fact, with intent to defraud, for payment..." (AHC Decision p. 7)

12. Currently, the Respondent is "...in Thailand and [has] no plans to return to the U.S. in the near future." Furthermore, Respondent is "...70 years old and now retired..." and no longer intends to practice. (Respondent's Exhibit A)

13. For its uncontroverted evidence, the Board submitted two exhibits. The first exhibit is the Second Amended Complaint that was filed by the United States of America with the United States District Court in the underlying case that led to this matter. (Petitioner's Exhibit 1)

14. The Board's second exhibit is a Memorandum issued by the United States District Court on November 10, 2008 that details the background of the underlying case in this matter. (Petitioner's Exhibit 2)

#### Conclusions of Law

After the AHC makes a determination that grounds for disciplinary action have been met, the Board holds a disciplinary hearing to determine what discipline, if any, must be imposed. The purpose and scope of a disciplinary hearing is so "...the Board may receive evidence relevant to the issue of appropriate disciplinary action from the licensee or any other source. After such a hearing, the Board may then order any disciplinary measure authorized by law which the Board deems appropriate." Healing Arts v. Masters, 512 S.W.2d 150, 158-159 (Mo.App. 1974).

At the disciplinary hearing, the Respondent did not appear. Instead, he merely sent a letter to the Board which was admitted into evidence at the disciplinary hearing as Respondent's Exhibit A. This exhibit merely states that the Respondent is retired and does not plan to return to the practice of medicine.

Because the Respondent did not appear to present evidence to show rehabilitation, further education, or training to correct his medical deficiencies as outlined in the AHC decision, the Board, at the disciplinary hearing, should review the evidence in the light most favorable to the decision of the AHC since that is how it must eventually be reviewed on judicial review. Perez v. Healing Arts, 803 S.W.2d 160, 162 (Mo.App. W.D. 1991)

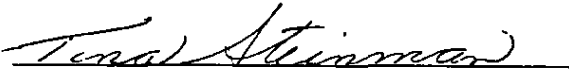
Accordingly, the Board incorporated the decision of the AHC which states that the Respondent "...wrote prescriptions without medical necessity or a documented and medically appropriate treatment plan. Therefore, [Respondent] wrote prescriptions for other than a medically accepted purpose, and 'not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease.'" (AHC Decision p. 6) This inappropriate prescribing took the form of prescribing controlled substances (Vicodin, Xanax, Valium) to a pregnant patient throughout the term of her pregnancy. (Petitioner's Exhibit 2 pp. 5-8) Furthermore, beginning June 12, 2006, Respondent inappropriately prescribed controlled substances (Percocet, Valium, Methadone) to a patient that died on September 11, 2006. The cause of death for this patient was "mixed drug intoxication." (Petitioner's Exhibit 2 pp. 8-9)

Finally, the Respondent made false Medicaid claims and "...knowingly made or caused to be made false statements or misrepresentations of a material fact, with intent to defraud, for payment..." (AHC Decision p. 7)

The Respondent's irresponsible prescribing had led to the death of one patient and the continued drug abuse of another patient during pregnancy is clearly a danger to the public. Furthermore, his defrauding of the state's Medicaid program along with the lack of any evidence to show remorse, rehabilitation, further education, or training to correct his past actions provides this Board with no option other than to revoke his license to practice as a physician and surgeon pursuant to §334.100.2(4)(h) and (17).

#### **DECISION AND DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that upon the effective date of this Disciplinary Order, Respondent's license to practice as a physician and surgeon, license number R5003, is hereby REVOKED. Furthermore, Respondent shall not apply for reinstatement of his license for a period of five (5) years from the effective date of this Disciplinary Order.

  
Tina Steinman, Executive Director

**EFFECTIVE THIS 9th DAY OF NOVEMBER 2009.**